

Message Text

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ACTION ACDA-12

INFO OCT-01 ISO-00 ACDE-00 SOE-02 AF-10 ARA-10 CIAE-00
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TO SECSTATE WASHDC PRIORITY 4758

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 00582

CW MESSAGE NO. 5

E.O. 11652: GDS

TAGS: PARM US UR

SUBJECT: US-USSR CHEMICAL WEAPONS NEGOTIATIONS, ROUND

SEVEN: ANALYSIS OF REVISED SOVIET DRAFT ARTICLES ON
SCOPE OF PROHIBITION

REF: A. GENEVA 409; B. 77 GENEVA 8929; C. GENEVA 394;
D. 77 GENEVA 9167; E. 77 GENEVA 7212

1. THIS MESSAGE PROVIDES A PRELIMINARY ANALYSIS OF THE
REVISED SOVIET DRAFT TREATY ARTICLES ON SCOPE (TEXTS
TRANSMITTED REF A).

2. ARTICLE I (FORMERLY ARTICLE I/SCOPE; TEXT REF B).
THIS ARTICLE, WHICH CONTAINS THE BASIC PROHIBITION, HAS
BEEN CONDENSED CONSIDERABLY, BUT APPEARS TO HAVE
APPROXIMATELY THE SAME COVERAGE AS THE PREVIOUS VERSION.
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A. IN THE REDRAFTING SEVERAL POINTS MADE BY THE US HAVE
BEEN ACCOMMODATED. THE NEW ARTICLE DOES NOT USE THE TERMS
"SINGLE-PURPOSE" AND "DUAL-PURPOSE", TO WHICH THE US HAS
OBJECTED. (IT CONTINUES TO EMPLOY, HOWEVER, THE TERM
"CHEMICAL AGENT", TO WHICH THE US ALSO OBJECTS). THE
REFERENCE TO THE VARIOUS TYPES OF "HARMFUL AGENTS" (I.E.,

INCAPACITANTS, IRRITANTS, CARCINOGENS, AND TERATOGENS)
HAS BEEN DROPPED, AS THE US HAD PROPOSED.

B. THE REDRAFT RAISES SEVERAL NEW POINTS WHICH REQUIRE
CLARIFICATION:

- THE TOXICITY THRESHOLDS FOR SUPER-TOXIC CHEMICALS (E.G.,
LCT50 0.5 MG/KG FOR SUBCUTANEOUS INJECTION) HAVE BEEN
DROPPED. WE WILL NEED TO FIND OUT WHAT THE SOVIETS HAVE
IN MIND FOR SUPER-TOXIC CHEMICALS.
- THE TERM "PRECURSOR" IS NO LONGER USED. JUDGING FROM
THE SOVIET STATEMENT ON JANUARY 10 (REF C), PRECURSORS ARE
COVERED BY THE TERM "SUBSTANCES", BUT WE WILL NEED TO
CLARIFY THIS.
- IN THE LIST OF LEGITIMATE (NONHOSTILE) PURPOSES, THE
WORD "TECHNOLOGICAL" HAS BEEN ADDED. WE WILL NEED TO FIND
OUT WHAT THIS COVERS AND WHY IT IS THOUGHT TO BE NECESSARY.
- THE TERM "SYSTEM" HAS BEEN ADDED TO THE LIST OF PRO-
HIBITED HARDWARE. THIS TERM WAS USED IN THE SOVIET BASIC
PROVISIONS PRESENTED IN ROUND FIVE, BUT WAS DROPPED
IN THEIR ROUND SIX DRAFTS. ITS PRECISE MEANING IS UNCLEAR.
- THE PHRASE "SPECIALLY DESIGNED FOR" HAS BEEN TRANS-
MUTED INTO "DESIGNED EXCLUSIVELY FOR". THE RATIONALE FOR
THIS CHANGE NEEDS CLARIFICATION. AS WRITTEN, THE NEW
DRAFT ARTICLE WOULD NOT COVER ANY MEANS OF DELIVERY WHICH
HAS ANOTHER ROLE (FOR EXAMPLE, SPRAY TANKS).

C. WE HAVE ALSO NOTED THAT THE NEW DRAFT, AS WELL AS THE
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PREVIOUS ONE, WOULD APPARENTLY ALLOW DEVELOPMENT, ETC.,
OF "LETHAL CHEMICAL AGENTS" WHICH ARE LESS TOXIC THAN
THE THRESHOLD VALUE. SUCH "AGENTS" MAY BE UNLIKELY,
BUT THIS COULD REPRESENT A LOOPHOLE.

3. ARTICLE II (FORMERLY ARTICLE III/SCOPE; TEXT REF B).
THIS ARTICLE, WHICH DEALS WITH FUTURE DEVELOPMENTS, HAS
ALSO BEEN EDITED TO TIGHTEN IT UP, BUT NO MAJOR CHANGE
IN SUBSTANCE IS APPARENT.

-- THE LIST OF PROHIBITED ACTIVITIES HAS BEEN EXPANDED
TO INCLUDE STOCKPILING AND ACQUISITION, SO THAT IT MORE
CLOSELY PARALLELS THE LIST IN ARTICLE I. LIKHACHEV
NOTED ON JANUARY 10 THAT THERE WAS NO NEED TO INCLUDE
RETENTION IN THE LIST.

-- THE SUBPARAGRAPH CONTAINING A BAN ON ASSISTING,
ENCOURAGING OR INDUCING VIOLATIONS OF THIS ARTICLE HAS
BEEN DROPPED. THIS PROVISION HAS BEEN REPLACED BY A
REFERENCE IN THE NEW ARTICLE III.

4. ARTICLE III (FORMERLY ARTICLE II/SCOPE; TEXT REF B).
THIS ARTICLE CONTAINS THE PROHIBITION ON TRANSFER AND
ASSISTANCE. WHILE IT CORRESPONDS TO ONE ON WHICH AD
REFERENDUM AGREEMENT WAS REACHED IN ROUND SIX, SIGNIFICANT
CHANGES HAVE BEEN MADE.

-- WHILE THE AD REFERENDUM TEXT PROVIDED THAT A STATE PARTY WOULD "NOT IN ANY WAY ENCOURAGE OR INDUCE ANYONE TO ENGAGE IN ACTIVITIES CONTRARY TO THE PROVISIONS OF THE CONVENTION", THE REVISED SOVIET DRAFT IS LIMITED TO ACTIVITIES CONTRARY TO ARTICLES I AND II.

-- FURTHERMORE, THE REVISED SOVIET DRAFT WOULD APPARENTLY ONLY PROHIBIT ASSISTANCE, ETC, TO OTHER STATES PARTIES, WHILE THE AD REFERENDUM TEXT ALSO PROHIBITED ASSISTANCE TO STATES AND ORGANIZATIONS WHICH WERE NOT BOUND BY THE CONVENTION.

-- THE APPARENT NARROWING OF THE NON-ASSISTANCE PORTION OF THE ARTICLE MAY WELL BE INADVERTENT, RESULTING FROM AN EDITORIAL EFFORT TO ELIMINATE REDUNDANCY. WE WILL NEED CONFIDENTIAL

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TO CLARIFY THIS.

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 00582

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5. ARTICLE X (FORMERLY ARTICLE IV/SCOPE; TEXT REF D).
GENERALLY SPEAKING, THIS ARTICLE DEALS WITH RETENTION

FOR NONHOSTILE PURPOSES OF CHEMICALS THAT ARE OTHERWISE PROSCRIBED. (IN THE SOVIET STATEMENT ON JANUARY 10 IT WAS STATED THAT EACH STATE WOULD DETERMINE FOR ITSELF WHAT QUANTITIES WERE NECESSARY). THIS SEEMS TO REPRESENT A STIFFENING OF THE SOVIET POSITION ON THIS ISSUE. THE PRINCIPAL CHANGES ARE:

-- A PARAGRAPH DEALING WITH DECLARATION OF SUCH RETAINED CHEMICALS HAS BEEN ADDED. THE SOVIET BASIC PROVISIONS (REF E) PRESENTED DURING ROUND FIVE CONTAIN A SIMILAR PROVISION (I.E., NO. 13).

-- THE RETAINED FACILITIES USED FOR PRODUCTION OF SUCH CHEMICALS ARE NOW DESCRIBED AS "INDUSTRIAL AND OTHER FACILITIES OF CORRESPONDING CAPACITY" RATHER THAN "LOW CAPACITY INDUSTRIAL FACILITIES". WE PLAN TO SEEK CLARIFICATION OF THE IMPLICATIONS OF THE CHANGE IN TERMINOLOGY. SORENSON
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